

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

| | | |
|-----------------------------|---|-------------------|
| ALISHA W. WILKES, |) | |
| |) | |
| Plaintiff, |) | NO. 1:10-cv-00160 |
| |) | (CMH-TRJ) |
| -vs- |) | |
| |) | |
| GMAC MORTGAGE, LLC, et al., |) | VIDEOTAPED |
| |) | DEPOSITION OF |
| Defendants. |) | ALLISON HIGGINS |

The videotaped deposition of MS. ALLISON HIGGINS called as a witness by the plaintiff in the above-entitled action, pursuant to notice and taken before Brenda L. Bodensteiner Klenk, Certified Shorthand Reporter, Registered Professional Reporter, and Notary Public, at GMAC Mortgage, LLC, 3451 Hammond Avenue, Waterloo, Iowa, on April 25, 2011, at 2:50 p.m.

APPEARANCES:

CONSUMER LITIGATION ASSOCIATES, PC
By ATTORNEY LEONARD A. BENNETT
12515 Warwick Boulevard, Suite 1000
Newport News, Virginia 23606
Lenbennett@cox.net

and

LAW OFFICES OF JOHN BAZAZ, PLC
By ATTORNEY JOHN BAZAZ
4000 Legato Road, Suite 1100
Fairfax, Virginia 22033
Jbazaz@bazazlaw.com

appeared telephonically on behalf of the
plaintiff;

1 APPEARANCES (Continued):

2

3 TROUTMAN SANDERS LLP
4 By ATTORNEY JOHN C. LYNCH
222 Central Park Avenue, Suite 2000
5 Virginia Beach, Virginia 23462
6 757.687.7765
John.lynch@troutmansanders.com
7 appeared on behalf of GMAC Mortgage, LLC,
8 defendant;

7

8 TAYLOR & WALKER, PC
9 By ATTORNEY BRIAN NELSON CASEY
555 Main Street
10 P.O. Box 3490
Norfolk, Virginia 23514-3490
11 757.625.7300
Bcasey@taylorwalkerlaw.com
12 appeared telephonically on behalf of
America Funding, Inc., defendant;

13

14 GLASSER & GLASSER, PLC
15 By ATTORNEY JASON HAMLIN
580 East Main Street, Suite 600
16 Norfolk, Virginia 23510-3490
Jhamlin@glasserlaw.com.com
17 appeared telephonically on behalf of
Nationstar Mortgage, LLC, defendant;

18

19 MORRIS & MORRIS, PC
20 By ATTORNEY GRANT EDWARD KRONENBERG
700 East Main Street, Suite 1100
21 P.O. Box 30
Richmond, Virginia 23218-3490
Gkronenberg@morris-morris.com.com

22

23 appeared telephonically on behalf of
Trans Union, LLC, defendant.

24 VIDEOGRAPHER:

25 David Seuferer, Video Specialists LLC

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1 and you. But when he says anything other --

2 MR. BENNETT: I'm asking you personally.

3 MR. LYNCH: Right. Other than communications with
4 counsel.

5 A. No, I have not.

6 BY MR. BENNETT:

7 Q. Well, I will tell you -- and I don't think
8 Mr. Lynch will deny it -- that my client had -- when these
9 2010 disputes came in, my client had already gone to state
10 court and won a decision that she did not sign the loan
11 papers. They were forged by her ex-husband.

12 Are you aware of that accusation or that
13 allegation?

14 A. No, I am not.

15 Q. In this instance you received one ACDV in March
16 2010. Have you had an opportunity to review that ACDV?

17 A. Yes, I have.

18 Q. Do you have any independent recollection of the
19 investigation that was done way back in March of '010?

20 A. No.

21 Q. Now, if you were following the procedures that
22 your employer required, can you tell us how you would have
23 handled that dispute?

24 And in fact, why don't we go ahead and open up
25 Exhibit 2. And if you'll turn -- it's actually Page 7 of
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1 the document. The bottom right says GMAC/AW283 (sic).

2 MR. LYNCH: Which exhibit again? She's having
3 trouble finding it.

4 MR. BENNETT: Exhibit 2.

5 MR. LYNCH: Okay.

6 THE WITNESS: I have --

7 MR. LYNCH: You sure it's -83 or -63?

8 THE WITNESS: I have -63.

9 MR. BENNETT: It's -63. I'm sorry.

10 THE WITNESS: Okay. I have it then.

11 BY MR. BENNETT:

12 Q. All right. This is the ACDV that you performed on
13 this account; right?

14 A. Yes; that's correct.

15 Q. First, what do you understand the role or the
16 job -- big picture question -- of the ACDV process at GMAC?

17 A. The ACDV is a dispute that the borrowers file
18 directly with the credit bureaus. And it comes through our
19 electronic system e-OSCAR. And from there then we would
20 research the account and respond accordingly.

21 Q. And can you tell us now looking at this ACDV and
22 your -- based on your familiarity and knowledge of the GMAC
23 required procedures, tell us what you would have done to
24 investigate this dispute when it came in?

25 A. Okay. This -- when the ACDV came in, I would

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1 have -- I would look at the consumer information which is
2 their name, Social Security number, and address. I would
3 confirm that information through our loan serve system which
4 is called Fiserv.

5 We also would check that through the original
6 documents that which are available in another system called
7 ISS. Then I would move to the account information and
8 report the account status, payment history, all the -- the
9 current status of the account based on factual information.

10 Q. In this instance what -- looking at that ACDV, what
11 would you have understood Ms. Wilkes to be disputing about
12 this account?

13 A. The dispute code is Claims True Identity Fraud.

14 Q. All right. And so what would you have understood
15 her dispute -- I mean, well, what would you have done on
16 that dispute?

17 A. I would have verified her information through our
18 Fiserv system as well as the original documents in ISS.

19 Q. Is there any step in handling such an investigation
20 that -- by which GMAC would have permitted you to look
21 outside of its own computer systems to determine the
22 accuracy of the account?

23 A. We don't -- I would only have the information
24 available to me.

25 Q. But it's -- the only information GMAC made

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1 available to you is what is in its own computer system;
2 correct?

3 A. That's correct.

4 Q. And even then it would have only been the part of
5 the GMAC computer system that details those items you've
6 just described, the consumer information and those other
7 items about payment history, portfolio type, and all that
8 stuff; right?

9 MR. LYNCH: I'll object to form.

10 But you can answer.

11 A. That's -- that's correct.

12 BY MR. BENNETT:

13 Q. In this instance Ms. Wilkes had already gone to
14 court and prevailed in state court against GMAC. Is that
15 the type of information that would have been made available
16 to you by GMAC in its ordinary procedures to conduct such an
17 investigation?

18 MR. LYNCH: Objection, form.

19 You can answer.

20 A. There -- I would have looked at the notes on
21 the account. And if there -- if the credit reporting was
22 still on and wasn't suppressed due to any litigation on the
23 account, that's -- that's all the information I would have.

24 BY MR. BENNETT:

25 Q. Now, under what circumstances would you have been

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